S.B. CRIMINAL LEAVE TO APPEAL NO.125/2006

DATE OF ORDER : 11.07.2007

HON'BLE MR. JUSTICE DEO NARAYAN THANVI

Mr. V.R.Mehta, Public Prosecutor.
Mr. R.S.Chouhan for the respondent.

Heard learned counsel for the parties and perused the judgment dated 24.1.2006 passed by the learned Additional Sessions Judge, Nathdwara. On account of death of the prosecutrix, she was not examined by the learned trial court. The learned trial court while relying upon the other circumstances has rightly came to the conclusion that it was a case of consent and the entry of the accused has proved.

Considering all the facts and circumstances of the case, I find no reason to interfere with the finding of acquittal arrived at by the learned trial court.

Consequently, the leave to appeal filed by the State against the judgment of acquittal is rejected.

(DEO NARAYAN THANVI), J.

ms rathore